

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TAMUNA DAVITASHVILI,

Plaintiff,

-against-

BEACON VAN LINE AND STORAGE, INC.,
AND VICTOR SABACH,

Defendants.
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NOT FOR PUBLICATION
MEMORANDUM & ORDER
15-CV-5575 (CBA) (JO)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 17 2016 ★

AMON, United States District Judge:

BROOKLYN OFFICE

On September 28, 2015, plaintiff Tamuna Davitashvili filed the instant complaint against defendants Beacon Van Line and Storage, Inc., and its owner, Victor Sabach, bringing claims under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and New York Labor Law §§ 196-d, 650, et seq. (D.E. # 1.) The parties then reached a settlement agreement, which requires the approval of either the court or the Department of Labor, see Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). The parties moved for approval of their agreement, (D.E. # 13), and the Court referred that motion to the Honorable James Orenstein, United States Magistrate Judge, for report and recommendation (“R&R”), (D.E. dated Dec. 10, 2015). With Judge Orenstein’s guidance, the parties twice submitted revised settlement agreements addressing deficiencies in their original agreement. (D.E. # 16, 21.) In a thorough and careful R&R, Judge Orenstein now recommends that the Court reject the parties’ third proposed settlement agreement without prejudice to renewal. (D.E. # 22.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept

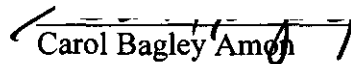
those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

The Court has reviewed the R&R and the record and, finding no clear error, adopts Judge Orenstein’s recommendation that the motion for approval of the proposed settlement agreement be denied without prejudice to renewal on the basis of a revised agreement that cures the defects discussed in the R&R.

SO ORDERED.

Dated: Brooklyn, New York
June 17, 2016

s/Carol Bagley Amon


Carol Bagley Amon
United States District Judge